

1906-029
Lee Co.

Chancery Causes: A. C. Hyatt, trst vs A. J. Stewart

CA-Debt
T-Property

To the Honorable H.A.W.Skeen Judge of the Circuit Court of
Lee County, Virginia:

Humbly complaining your Complainant your Complainant,
A.G.Hyatt Trustee for "The Pennington Gap, Addition" would respectfully represent and show unto your honor that on the 13'day of May, 1902, they were seized and possessed of a certain lot situated in the town of Pennington Gap, as described and shown upon a plat of the East Pennington Gap, Addition, duly recorded in the County Clerk's office of Lee County, and known on said plat as Lot No. 11 Block No. I, fronting 35 feet on Davis Street, South Side, and running back 85 feet, and being so seized your Complainant on the day aforesaid sold said lot to one A.J. Stewart for the sum of \$150. which amount was paid cash in hand \$58.34, and the residue was evidenced and secured to be paid by the two several notes or bonds of the said A.J. Stewart, and executed by him to A.G. Hyatt as Trustee aforesaid for \$45.83 each and due one day after the date thereof said note or bonds are here filed marked "1" & "2" and asked to be made and treated as part of this bill, nothing has been paid on the residue of the purchase money except the credits endorsed on the first note, the whole of the remainder is just due, owing and unpaid and said defendant waived his home stead exemptions as to the payment of the residue of said purchase money.

Your Complainant alleges and charges that he has exected and delivered to the defendant a deed to said lot, in which he reserved the Vendor's lien till the purchase money is paid in full.

Your Complainant alleges that he has the right to enforce his said lien and that is the object of this bill.

Your Complainant therefore prays that the said A.J. Stewart be made a party defendant to this bill and answer the same but not on oath, that being waived; that your honor grant your complainant a decree for the recovery of his unpaid purchase money.

and an enforcement of his said vendors lien; that said lot be sold, and for all other relief generally that the nature of his case may require or to equity seem, and he will ever pray &

M. G. Eely, Jr. q.

4583
 4586
 9166
 5834
 150.00

JOHN F. MORTON & Co.,
 INCORPORATED,
 LOUISVILLE, KENTUCKY.

#4583 One Day after date, I promise to
 pay to the order of Albion Senter for
 the "East Pennington Gap addition", of Pennington
 Gap. Lee County Va the sum of Forty Five
 and 80/100 Dollars, with interest at 6% per
 annum from October 13th 1891. till paid

Being the first deferred payment on
 the purchase price of Lot # 11 in Block
 #1, per Deed of even date herewith.

And as to the payment of this Debt, I hereby
 Waives the benefit of my Homestead Exemption
 Given under my hand and seal this Nov 13th 1902.
 W. J. Stewart Seal.

Witness
 W. J. Gilly

A. J. Stewart
To ~~3~~ No. #45.83
Alfred B. Stewart

No. 1-

Oct 21 / 1892 \$
C. B. Bosh to Gully 12⁰⁰/₁₁

Nov 21 / 1893
C. B. Bosh to Gully \$4.00

45⁸³ One day after date, I promise to pay
to the order of Albert J. Hunter for The
"East Pennington Gap Addition" of Pennington
Gap Lee County Va, the sum of Forty five
and \$1.00 Dollars, with interest on same at 6%
per annum from October 13th 1891 till paid.

Being the second and last deferred payment
on purchase price of Lot # 11 in Block # 1
per deed of even date herewith.

And as to the payment of this debt. I hereby
waive the benefit of my homestead
exemption. Given under my hand
and seal, this May 13th 1902.

A J Stuart

W. C. Bailey

Witness
W. C. Bailey

Al Stewart
 To ~~Three~~ Note \$45⁸³ Int.
 Alf Bryan Trustee

No. 2.

A. G. Hyatt Trustee &
vs. Bill in Chancery.

A. J. Stewart

1903 - 1st Feb Rules

Bill filed, Spw.
executed & D.N.

" 2nd Feb. Rules.

D.N. conf'd & cause
set for hearing by
plff.

Costs:

Clerk \$5.79.

att'y. 15.00

Hughes D. Shiff. 1.00

Estimated C. 2.00

\$23.79

J. H. on
Apr. 15 1905

A. G. Hyatt, Trustee for the Plaintiff
vs ^{Ex}₂ In Chancery -
A. J. Stewart, Defendant,

This cause came on this day to be heard upon the papers formerly read in the cause, the report of M. H. Ely, Commissioner, showing collection of the purchase money - and deed filed therewith, and was argued & by counsel,

On consideration, of which, said report and deed filed therewith is approved and confirmed, said purchaser, may withdraw said deed for recordation after paying said Commissioner \$5⁰⁰ for executing the same, Commissioner Ely will pay the money in his hands to the parties entitled and the cause is stricken from the docket,

A. J. Hyatt, Trustee -
no. 44 Deere -
A. J. Stewart Sept.

Entered in C. B.

No. 8, page 211 -

Enter Thro.

H. D. W. S. W.

Sept. 19th 1906 -

A.G.Hyatt Trustee for &c. Plaintiff,

Against) In Chancery,

A.J.Stewart, Defendant.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of sale by M.G.Ely commissioner filed on the 1st. day of May 1905, and was argued by counsel:

On consideration of which it is adjudged ordered and decreed that said sale be approved and confirmed, and said Commissioner will disburse the costs in his hands to the parties entitled thereto, and when the whole of the purchase money is paid he will execute to the purchasers a deed with covenants of special warranty, and it appearing to the Court that a mistake was made in the decree entered in this cause at the last term in respect to the time from which the recovery, should draw interest; it is therefore adjudged ordered and decreed that the recoveries had in this cause at the last term in favor of Plaintiff against the defendant bear interest from the 13 th' day of October 1891 till paid instead of from the 14' day of May 1902. Said Commissioner will report his further action to future terms of this court, and the cause is continued.

A. G. Hyatt Trustee
vs { Dece no. 2.
A. J. Stewart

Entered in C.B.
No. 8-2-26-

Enter This

H. A. W. Stone

May 16th 1905

A.G.Hyatt, Trustee for &c. Plaintiff.

Against) In Chancery,

A.J.Stewart, Defendant,

This cause came on this day to be heard upon the bill of Complainant, process duly executed on the defendant, and was argued by counsel;

On consideration of which, the said defendant failing to appear, plead answer and demur, the bill is taken for confessed, and the Court, doth adjudge order and decree that the Plaintiff recover of the defendant the sum of \$91.66, (the amount of the two notes filed with plaintiff's bill), with interest thereon from *Oct 13th 1891*, till paid, and the costs of this suit, and said recovery is adjudged to be a lien on the house and lot described in the bill, and the court being of opinion that the plaintiff has the right to enforce his vendors lien, it is further decreed that unless the aforesaid recovery is paid within 30 days from the rising of this court then M.G.Ely, who is hereby appointed a commissioner for the purpose will advertise and sell the said lot described in the plaintiff's bill on a credit of six and twelve months except costs of suit and commissions on the sale, which he will require to be paid cash in hand and for the *deferred*, payments take notes with good security, bearing interest from date, said sale shall be at the front door of the Court house, after having advertised the same for 30 days by written or printed notice posted in the town of Pennington Gap and at the front door of the Court house, but before the commissioner makes the sale required by this decree he will execute bond before the Clerk of this court with security in the sum of \$100. conditioned according to law and report to court and the cause is continued.

A. G. Hyatt Trustee ^{off} or
vs. $\frac{1}{2}$ Decree -
A. J. Shewart Sept.
Entered in C. C.
B. P page 2.

Enter this

H. A. W. Shewart

Feb. 25. 1905

VIRGINIA,

At a Circuit Court continued and held for Lee County at the Court-house thereof, on Saturday the 25th day of February, 1905.

A. G. Hyatt, Trustee for &c. Plaintiff,
vs. In Chancery.

A. J. Stewart, Defendant.

This cause came on this day to be heard upon the bill of Complainant; process duly executed on the defendant and was argued by counsel; On consideration of which, the said defendant failing to appear, plead, answer and demur, the bill is taken for confessed, and the Court adjudged, order and decree that the plaintiff recover of the defendant the sum of \$91.66, (the amount of the two notes filed with plaintiff's bill) with interest thereon from May, 14, 1902, till paid and the costs of this suit, and said recovery is adjudged to be a lien on the house and lot described in the bill and the Court being of opinion that the plaintiff has the right to enforce his vendor's lien, it is further decreed that unless the aforesaid recovery is paid within 30 days from the rising of this Court then M. G. Ely, who is hereby appointed a Commissioner for the purpose will advertise and sell the said lot described in the plaintiff's bill on a credit of six and twelve months except costs of suit and Commissions on the sale, which he will require to be paid cash in hand and for the deferred payments take notes with good security, bearing interest from date, said sale shall be at the front door of the Court-house after having advertised the same for 30 days by written or printed notices posted in the town of Pennington Gap and at the front door of the Court-house, but before the Commissioner makes the sale required by this decree, he will execute bond before the Clerk of this Court with security in the sum of \$100.00, conditioned according to law, and report to the Court. And this cause is continued.

A Copy-Teste:

H. C. Goring Clerk.
By M. C. Hancok D.C.

A. G. Hyatt, Jr.
vs. Copy of Deem
A. J. Stewart,

Clerk 40¢

~~copy.~~

Executed by de-
livering a true
copy of the within
deed to M. H. C. L.
Mar. 14, 1905.
J. W. Grubb, Jr.
for P. M. Ball, Jr.

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of
Lee County, Virginia:

Your undersigned Commissioner in the Chancery cause of
A.G.Hyatt Trustee,&c.begs to report that pursuant to the terms of
a decree entered in said cause at the last term of court that, he on
the 15 th'day of April 1905 at the front door of the Court House sold
the house and lot described in the bill and proceedings ,to the highest
and best bidder after having advertised the same required by said
decree at which sale, James W.Orr and John C.Noel became the highest
and best bidder at the price of \$132.50. Said purchasers complied
with the terms of sale by paying the costs and commissions amounting
to the sum of \$ 30.40 ,and executed their notes with securty for the
residue.Said house and lot was well sold.

Respectfully submitted.

M. G. Ely
Commissioner.

1906 9 15-
1905 - 4 - 15-
1 - 5 -
17

132.50
30.40
2/102.10
51.05-
8-2
408 f0
255-2
413392
51.10
55.43
5-
60.43
50
10.43-

A. G. Hyatt Trustee
vs. ~~EE~~ Report of sale -
A. J. Stewart,

Filed May 1st 1905.

H. C. Ewing, Clk.
By M. E. Hanan, D.C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

A. J. Stewart

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *Feb*, 190*5*, to answer a bill in chancery exhibited against *him*

in our said Court by A. G. Hyatt, Trustee for "East Remington Gap Addition".

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *3* day of *Feb*, 190*5*, and 1 *29* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

feb 4 1905

A. G. Hyatt, P. for vs.

VS

SUBPENA
IN
CHANCERY.

A. J. Stewart

M. E. Ly p. q

To 1st Feby. Rules.
Lee Circuit Court.
1905

executed by delivering a true copy of
the writ in to A. J. Stewart
this feb. 4. 1905
J. C. Hughes & Son 30 m Ball
& G. C.